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SUITE 500
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In re Application of	:	
BEBBINGTON et al.	:	
Application No.: 10/585,149	:	DECISION
PCT No.: PCT/US2004/043830	:	
Int. Filing Date: 30 December 2004	:	
Priority Date: 31 December 2003	:	
Attorney's Docket No.: 073678-0026	:	
For: TRANSACTIVATION SYSTEM FOR	:	
MAMMALIAN CELLS	:	

This decision is in response to applicants' "PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT" filed 10 February 2009 and 06 March 2009, which have properly been treated as a petition under 37 CFR 1.181. Both the NOTIFICATION OF ABANDONMENT mailed 22 January 2009 and the NOTIFICATION OF ABANDONMENT mailed 20 February 2009 were mailed in error. Both NOTIFICATIONS are hereby VACATED. Any inconvenience is regretted.

BACKGROUND

On 30 December 2004, applicants filed international application PCT/US2004/04380, which designated the United States and claimed a priority date of 31 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 July 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2006

On 30 June 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905).

On 27 March 2008, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT

(Form PCT/DO/EO/909) indicating that the application was abandoned for failure to timely respond to the Notification mailed 26 March 2007.

On 17 April 2008, applicants submitted a "PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT."

On 25 August 2008, applicants submitted a "SUPPLEMENTAL FILING IN SUPPORT OF PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT," which was accompanied by, *inter alia*, an incoming mail log for the law firm of petitioner.

On 02 September 2008, a decision was mailed properly treating the submissions filed 17 April 2008 and 25 August 2008 as a single petition under 37 CFR 1.181 and a request, in the alternative, that the petition be considered a petition to revive under 37 CFR 1.137(a). The petition under 37 CFR 1.181 was dismissed without prejudice for failing to provide a proper docket report. The petition under 37 CFR 1.137(a) was also dismissed without prejudice.

On 18 September 2008, applicants filed a submission including a petition under 37 CFR 1.181 for withdrawal of the holding of abandonment, and a request, in the alternative, that the petition be considered a petition to revive under 37 CFR 1.137(a) and 37 CFR 1.137(b).

On 08 December 2008, a decision was mailed granting applicants' petition under 37 CFR 1.181 and dismissing applicants' petitions under 37 CFR 1.137(a) and 37 CFR 1.137(b) as moot. The decision also vacated the NOTIFICATION OF MISSING REQUIREMENTS mailed 26 March 2007 and the NOTIFICATION OF ABANDONMENT mailed 27 March 2008.

On 22 January 2009, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 26 March 2007.

On 22 January 2009, the DO/EO/US also mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 30 June 2006.

On 10 February 2009, applicants filed a "PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT" requesting that the NOTIFICATION OF ABANDONMENT mailed 22 January 2009 be withdrawn.

On 20 February 2009, the DO/EO/US mailed a second NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 26 March 2007.

On 06 March 2009, applicants filed a second "PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT" requesting that both the NOTIFICATION OF ABANDONMENT mailed 22 January 2009 and the NOTIFICATION OF ABANDONMENT mailed 20 February 2009 be withdrawn.

DISCUSSION

Both the NOTIFICATION OF ABANDONMENT mailed 22 January 2009 and the NOTIFICATION OF ABANDONMENT mailed 20 February 2009 were mailed in error. Both NOTIFICATIONS are hereby VACATED. Any inconvenience is regretted.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF ABANDONMENT mailed 22 January 2009 is **VACATED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 06 March 2009 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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